

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Richmond Division

ePLUS INC., )  
)  
Plaintiff, )  
)  
v. ) Case No. 3:09CV620 (REP)  
)  
LAWSON SOFTWARE, INC., )  
)  
)  
Defendant. )

**DEFENDANT LAWSON SOFTWARE, INC.’S MOTION TO PRECLUDE EPLUS  
FROM OFFERING ARGUMENTS ON VALIDITY  
THAT WERE NOT DISCLOSED IN ITS DISCOVERY RESPONSES**

Lawson respectfully requests that this Court preclude ePlus from advancing theories on invalidity that were not disclosed during discovery pursuant to Federal Rule of Civil Procedure 37(c). Because ePlus failed to disclose its theory that the Fisher RIMS system taught in the '989 patent and IBM's TV/2 system cannot be combined pursuant to 35 U.S.C. § 103(a) during discovery, it cannot rely on that information at trial. The grounds for this motion are more fully set forth in Lawson's Memorandum in Support of this Motion, which is filed herewith.

LAWSON SOFTWARE, INC.

By \_\_\_\_\_ /s/  
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**CERTIFICATE OF SERVICE**

I certify that on this 23<sup>rd</sup> day of January 2011, a true copy of the foregoing will be filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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